IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 34187 of 2007(T)

PETITIONER:

O.P.MURALEEDHARAN NAIR,
S/O PADMANABHAN NAIR(LATE), 55 YEARS,
JUNIOR CLERK(UNDER SUSPENSION),
KERALA STAFF CO-OPERATIVE BANK LTD. NO.K.141,
KOTTAYAM-1, RESIDING AT KOCHUVEEDU,
THIRUVATHUKKAL, KOTTAYAM.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

RESPONDENTS:
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1. **JOINT REGISTRAR(GENERAL) OF CO-OPERATIVE SOCIETIES, KOTTAYAM.**

2. **K.S.R.T.C. STAFF CO-OPERATIVE BANK LTD. NO.K.141, ADAM TOWER, STAR JUNCTION, KOTTAYAM-686001, REPRESENTED BY ITS SECRETARY.**

3. **THE PRESIDENT, K.S.R.T.C. STAFF CO-OPERATIVE BANK LTD.NO.K.141, ADAM TOWER, STAR JUNCTION, KOTTAYAM-1.**

BY ADV. SRI.T.A.SHAJI - R2 & R3
SRI.SMT.ANU SIVARAMAN - R1

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.34187 of 2007-T

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Dated this the 22nd day of November, 2007.

JUDGMENT

1. The petitioner is an employee of the second respondent, a co-operative bank. He and certain others were proceeded on counts of indiscipline. An enquiry was conducted by appointing an Advocate as the Enquiry Officer. Ext.P14 has been issued by the employer calling upon the petitioner to show cause against action on the basis of the enquiry report.

2. According to the petitioner, he has been exonerated by the Enquiry Officer. Ext.P14 show cause notice proceeds on the basis of Disciplinary Committee's views regarding the collective responsibility and any obligation that the petitioner had, to inform the higher authorities, of the commissions and omissions of

Sri.V.Raman Nair, who is stated to have misappropriated certain amounts. The petitioner has a case that he had promptly intimated the President of the Bank on the next day of the occurrence.

3. From what is stated above, it can be seen that the disputes revolve around the manner and the nature of the conclusions that a disciplinary authority or the employer would, ultimately come to, on the basis of the enquiry report and any reply that the delinquent writ petitioner would place to the show cause notice, Ext.P14. It is, therefore, premature for any judicial review of the proceedings on the mere apprehension of the petitioner that there is a concerted effort to impose on him a major penalty which, according to him, is revealed from Ext.P14.

4. Still further, in the realm of disputes in relation to an employee of a co-operative society, effective statutory remedy is available

in terms of Section 69 of the Kerala Co-operative Societies Act.

5. For the aforesaid reasons, I do not find any ground to interfere with the impugned proceedings.

This writ petition is, hence, closed without prejudice to the right of the petitioner to place his objections on the basis of Ext.P14 and also without prejudice to any other relief that he may seek for before the bank, including an opportunity to voluntarily retire which the petitioner, through counsel, states that he proposes to do. Further rights to statutory remedies in relation to the disciplinary proceedings are also left open.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

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